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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,297	08/31/2001	Manoel Tenorio	020431.0922	2037

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EXAMINER
CHEUNG, MARY DA ZHI WANG

ART UNIT	PAPER NUMBER
3694	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	09/945,297	TENORIO, MANOEL
	Examiner	Art Unit
	Mary Cheung	3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *31 August 2001*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-29* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-29* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *31 August 2001* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some *   c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date *11/28/01*.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Status of the Claims

1. This action is in response to the application filed on August 31, 2001. Claims 1-29

are pending. Claims 1-29 are examined.

Restrictions

2. The pending claims can be divided into the following groups:

   I)   Claims 1-9 and 28, disclose a system for locally generating price quotes;

   II)   Claims 10-18, disclose a method for locally generating price quotes;

   III)   Claims 19-27, software for locally generating price quotes;

   IV)   Claim 29, discloses a system for locally generating price quotes

   comprising two or more buyers buying items as a single buying entity.

3. Examiner has determined that <u>groups I, II, III and IV are not patentably distinct</u>; thus,

restrictions are not proper.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

5. Claims 3, 11 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

   As to claims 3, 11 and 20, the phrase "substantially prevent" is indefinite.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haji et

al., US 2002/0035511 A1 in view of Halperin et al., US 6,105,004.

As to claims 1 and 28, Haji teaches a system comprising one or more computer

associated with a buyer for locally generating price quotes, the one or more computers

associated with the buyer collectively operable to (¶ 11, 75 and Figs. 1-2):

a) Receiving a pricing tool from a seller, the price tool operable to generate price

quotes for the seller (¶ 70-75 and Figs. 1-2; *"seller" corresponds to "Server" as*

shown in Fig. 1 of Haji);

b) Locally store the pricing tool received from the seller such that the pricing tool

is locally accessible to the one or more computers associated with the buyer (¶

70-75 and Figs. 1-2; *"buyer" corresponds to "Receiving terminal" as shown in Fig.*

1 of Haji);

c) Access a request for quote (RFQ) specifying an order, the RFQ requesting a

price quote for the order (¶ 74 and Fig. 2);

d) Communicate the RFQ to the locally accessible pricing tool (¶ 74 and Fig. 2);

e) Using the locally accessible pricing tool received from the seller, locally

generate a price quote for the order (¶ 74 and Fig. 2);

f) Providing the locally generated price quote for the order for possible further action by the buyer (¶ 74-76 and Fig. 2).

Haji does not specifically teach the specified order comprising <u>quantities</u> of one or more items. However, Halperin teaches pricing an order including calculation of quantities of the ordered items (column 4 lines 1-4 and column 5 lines 37-45 and Figs. 5-7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the specified order in Haji's teaching to include quantities of the ordered items as taught by Halperin so that the buyer can have better idea of the total costs of the order that have multiple purchased items.

As to claim 2, Haji in view of Halperin teaches price tool as discussed in claim 1 above. Haji in view of Halperin does not specifically teach the pricing tool <u>is encrypted</u> to substantially prevent the pricing tool from being used to determine how price quotes are calculated. Examiner takes <u>Office Notice</u> that encrypting information for preventing unauthorized parties from revealing the information is old and well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to allow the pricing tool in the teachings of Haji modified by Halperin to be encrypted for better protecting the information associated with the pricing tool.

As to claim 3, Haji in view of Halperin teaches the one or more computers receiving pricing tool from a seller as discussed in claim 1 above. Haji in view of Halperin does not specifically teach the one or more computers are operable to receive <u>a plurality of</u> pricing tools from <u>a plurality of</u> sellers. Examiner takes <u>Office Notice</u> that it would have been obvious to one of ordinary skill in the art to allow the teachings of Haji

modified by Halperin to include the feature of the one or more computers are operable

to receive a plurality of pricing tools from a plurality of sellers for promoting multiple

sellers sell their products.

As to claim 4, Haji in view of Halperin teaches a buyer purchase items from a

seller as discussed above. Haji in view of Halperin does not specifically teach a buyer

group comprising two or more buyers buying items as a single entity. Examiner takes

Office Notice that it would have been obvious to one of ordinary skill in the art to allow

the teachings of Haji modified by Halperin to include the feature of a buyer group

comprising two or more buyers buying items as a single entity for sharing better price of

the purchased items.

As to claim 5, Haji further teaches determining validation of the pricing

information received from the buyer by the seller, and the pricing information is valid

only if the pricing tool is the latest version; and if the pricing information is invalid or

outdated, recalculation is performed based on the updated price tool (¶ 88-91). Haji

does not specifically teach the buyer will receive the updated version of the pricing tool.

However, since Haji teaches the pricing information is valid only use the latest version

of the pricing tool (¶ 89) and the pricing information is calculated in real time (¶ 83), it

would have been obvious to one of ordinary skill in the art to allow the buyer to receive

the latest version of the pricing tool for accurately calculate the pricing information.

As to claim 6, locally generate a price quote for a modified order is taught by Haji

as a price quote is locally generated based on the buyer's various of selections of the

order (¶ 74 and Fig. 2).

As to claim 7, Haji further teaches automatically calculating the price quote locally in real time (¶ 83), and the price quote is valid only use the latest version of the pricing tool (¶ 89). Haji does not specifically teach the modifications to the order are made automatically. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the modification of the order in Haji's teaching to be made automatically for accurately calculating the most recent price.

As to claim 8, iteratively modify the order and locally generate corresponding price quotes is taught by Haji as corresponding price quotes are locally generated based on the buyer's various of selections of the order (¶ 74 and Fig. 2).

As to claim 9, Haji teaches the one or more computers are collectively operable to locally generate the pricing quote independent of the communication with the seller subsequent to receiving the pricing tool from the seller (¶ 75).

Claims 10-27 and 29 are also rejected by Haji in combination with Halperin as discussed in claims 1-9 and 28 because they are not patentably distinct between claims 10-27, 29 and claims 1-19, 28.

Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (571)-272- · 6705. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (571) 272-6712.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

The fax phone number for the organization where this application or proceedings

is assigned are as follows:

(571) 273-8300   (Official Communications; including After Final

Communications labeled "BOX AF")

(571) 273-6705   (Draft Communications)

Mary Cheung
December 22, 2006

MARY D. CHEUNG
PRIMARY EXAMINER